

AMENDED IN SENATE JUNE 1, 2009  
AMENDED IN ASSEMBLY APRIL 29, 2009  
AMENDED IN ASSEMBLY MARCH 23, 2009  
CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 136**

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**Introduced by Assembly Member Silva**

January 20, 2009

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An act to amend Section 19596.1 of, *and to add Section 19561 to*, the Business and Professions Code, relating to horse racing, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 136, as amended, Silva. Horse racing: *cloned horses*: imported harness or quarter horse races.

*(1) Existing law, the Horse Racing Law, generally regulates horse racing and parimutuel wagering on horse races and vests administration and enforcement of the Horse Racing Law in the California Horse Racing Board. Violations of the Horse Racing Law are generally misdemeanors.*

*This bill would prohibit a horse race or horse racing from including the racing of a cloned horse or offspring of a cloned horse regardless of whether any breed association has registered the horse.*

*By imposing new requirements under the Horse Racing Law, the violation of which would be a crime, the bill would impose a state-mandated local program.*

~~Under~~

*(2) Under existing law, the ~~California Horse Racing Board~~ board is authorized to permit a harness or quarter horse association conducting*

a race meeting to accept wagers on the results of out-of-state or out-of-country harness or quarter horse races, and certain other designated harness or quarter horse races, if specified conditions are met. One of these conditions is that, if only one breed is being raced on a given day, the racing association conducting live racing may import those races that would otherwise be simulcast by the association which is not racing, subject to the limitation that the total number of harness or quarter horse races imported in a calendar year does not exceed the number of night races imported in 1998 after 5:30 p.m.

This bill would delete that limitation regarding the total number of harness or quarter horse races imported in a calendar year.

*(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

*(4) This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~no~~<sup>yes</sup>.

*The people of the State of California do enact as follows:*

1    *SECTION 1. Section 19561 is added to the Business and*  
2    *Professions Code, to read:*

3    *19561. Neither a horse race nor horse racing shall include the*  
4    *racing of a cloned horse or offspring of a cloned horse regardless*  
5    *of whether any breed association has registered the horse.*

6    ~~SECTION 1.~~

7    *SEC. 2. Section 19596.1 of the Business and Professions Code*  
8    *is amended to read:*

9    19596.1. (a) Notwithstanding any other provision of law, the  
10   board may authorize a harness or quarter horse association  
11   conducting a race meeting to accept wagers on the results of  
12   out-of-state or out-of-country harness or quarter horse races and,  
13   with the board's approval and with the concurrence of the  
14   horsemen's organization contracting with the association, other  
15   designated harness or quarter horse races during the period it is

1 conducting the racing meeting, if all of the following conditions  
2 are met:

3 (1) The authorization complies with federal laws, including, but  
4 not limited to, Chapter 57 (commencing with Section 3001) of  
5 Title 15 of the United States Code.

6 (2) Wagering is offered only within the racing inclosure and  
7 only within 36 hours of the running of the out-of-state feature race.

8 (3) The association conducts at least seven live races, and  
9 imports not more than eight races on those days during a racing  
10 meeting when live races are being run, except as provided in  
11 subdivision (b).

12 (4) If only one breed of horse specified in this section is being  
13 raced on a given day, then the association conducting the live  
14 racing may import those races which would otherwise be simulcast  
15 by the association which is not racing. After the usual deductions,  
16 including the portion for the racing association, the portion  
17 remaining for purses from these races shall be distributed equally  
18 for purses for harness horsemen and quarter horse horsemen.

19 (5) No quarter horse or harness racing association shall accept  
20 wagers on out-of-state or out-of-country quarter horse or harness  
21 races commencing before 5:30 p.m., Pacific standard time, without  
22 the consent of any thoroughbred association or fair that is then  
23 conducting a live racing meeting in this state.

24 (b) An association that is authorized to import races pursuant  
25 to subdivision (a) may, at its sole discretion, import fewer than the  
26 maximum number of harness or quarter horse races authorized in  
27 paragraph (3) of subdivision (a). For up to two races per night, for  
28 each race that is not imported under the maximum authorized by  
29 paragraph (3) of subdivision (a) on a particular night of racing, the  
30 association may add a race to the number of races allowable under  
31 the maximum authorization on another night of racing. However,  
32 no more than two races may be added under this subdivision to  
33 the number allowable on a single night, and the total number of  
34 imported races over a calendar year may not exceed the total  
35 number of imported races authorized pursuant to paragraphs (3)  
36 and (4) of subdivision (a).

37 *SEC. 3. No reimbursement is required by this act pursuant to*  
38 *Section 6 of Article XIII B of the California Constitution because*  
39 *the only costs that may be incurred by a local agency or school*  
40 *district will be incurred because this act creates a new crime or*

1 *infraction, eliminates a crime or infraction, or changes the penalty*  
2 *for a crime or infraction, within the meaning of Section 17556 of*  
3 *the Government Code, or changes the definition of a crime within*  
4 *the meaning of Section 6 of Article XIII B of the California*  
5 *Constitution.*

6 *SEC. 4. This act is an urgency statute necessary for the*  
7 *immediate preservation of the public peace, health, or safety within*  
8 *the meaning of Article IV of the Constitution and shall go into*  
9 *immediate effect. The facts constituting the necessity are:*

10 *In order to allow additional wagering necessary for the*  
11 *preservation and financial stability of the horse racing industry,*  
12 *and to preserve the integrity of the horse racing industry, it is*  
13 *necessary that this act take effect immediately.*